

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

455 Golden Gate Avenue, Suite 10600 • San Francisco, California 94102 (415) 352-3600 • Fax: (415) 352-3606 • www.bcdc.ca.gov

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TO: All Design Review Board Members

FROM: Lawrence J. Goldzband, Executive Director (415/352-3653; larry.goldzband@bcdc.ca.gov)
Andrea Gaffney, Bay Design Analyst (415/352-3643; andrea.gaffney@bcdc.ca.gov)
Jhon Arbelaez-Novak, Coastal Program Analyst (415/352-3649; jhon.arbelaez@bcdc.ca.gov)

SUBJECT: **Hercules Development Block N, Waterfront District, City of Hercules, Contra Costa County (BCDC Permit Application No. 2017.002.00); Design Review Board, First Review**
(For Board consideration on June 5, 2017)

Project Summary

Project Representatives. John Gibbs ASLA LEED AP, Principal WRT; David Biggs, City Manager, City of Hercules; and James R. Anderson, Manager, Hercules Bayfront, LLC.

Property Owner. Hercules Development Partners, LP

Permit Application and Applicant(s). BCDC Permit Application No. 2017.002.00, Hercules Development Partners, LP

Project Site. The 2.2-acre Block N site is the first private development within the Hercules Bayfront - a 42-acre master planned mixed-use project made up of residential and commercial uses, public open spaces, and an intermodal transit center (Page 2). The Block N triangular-shaped site is located within the San Francisco Bay Conservation and Development Commission's (Commission) 100-foot shoreline band jurisdiction due to its adjacency to the tidally influenced Refugio Creek. The site is bounded by Bayfront Boulevard to the northwest, John Muir Parkway to the southeast, and Refugio Creek to the south, and is undeveloped except for an existing public creekside (shoreline) trail, which is not included within the boundary of the proposed project.¹

Project Description. The proposed project's total design (i.e., character, massing, orientation, public access, amenities) is guided by a City of Hercules (City) form-based development code included in its Waterfront District Master Plan, and the Waterfront Now initiative adopted, respectively, by the City Council in 2000 and 2008. The project includes five mixed-use residential buildings with ground-floor commercial space, and public access facilities (described further below). Along John Muir Parkway and Bayfront Boulevard, buildings are four-stories tall. The proposed massing steps down to three-story townhomes adjacent to Refugio Creek. As proposed, the developed site would provide 162 apartments, ten townhomes, and approximately 6,500 square feet of commercial space, with an approximate capacity of 240 residents, and 430 patrons (Pages 3 and 4). The project also includes private and public landscaped areas, and approximately 215 private underground parking spaces. The City certified the project Environmental Impact Review (pursuant to the California Environmental Quality Act (CEQA) on October 11, 2011, and issued local discretionary approval on May 5, 2017. Project construction is scheduled to begin in Summer 2017.

¹ Trail constructed pursuant to BCDC Permit No. M2012.024.00, which also permitted the restoration and expansion of Refugio Creek, and the construction of a vehicular bridge.

Relevant Commission Issues

1. Public Access and Public Views of Shoreline

- a. **Existing Public Access and Views.** An existing City-owned 10-foot wide asphalt creekside (shoreline) trail with 2-foot wide decomposed granite shoulders provides continuous public access along the southern boundary of the project site. This existing creekside trail is part of a planned, and not-yet-developed, network of trails in the City, including a future San Francisco Bay Trail connection along San Pablo Bay (Page 5). Public parking is currently available at Bayfront Boulevard, John Muir Parkway, and Sanderling Drive. The undeveloped site provides uninterrupted views of Refugio Creek and San Pablo Bay, including Point San Pablo and across the Bay to Napa, Sonoma, and Solano Counties.
- b. **Proposed Public Access.** The proposed project includes a 12,465-square-foot (0.27-acre) (total) dedicated public space adjacent to the existing *Refugio Creekside Trail* and bounded by the proposed buildings, with the following elements (Page 6):
 - (1) Bayfront Boulevard Entry Plaza: An approximately 3,763-square-foot universally accessible pocket park and plaza with seating and landscaping (Page 7);
 - (2) Adjacent to the *Creekside Trail*: A 440-foot-long, one-foot-wide expansion of the existing Creekside Trail shoulder, with an adjoining 30-inch-tall retaining wall with intermittent sections with a one-foot-wide cap that serves as an informal seating element. Two benches are also proposed near the east and west ends of the path adjacent to the elevated walkway connections (Pages 7, 8 and 9);
 - (3) Elevated Walkway and Planting: An approximately 440-foot-long, five-foot-wide pedestrian walkway is located four feet above the Creekside Trail. The elevated walkway is separated from the creekside trail by approximately three feet of planting in a terraced retaining wall. The elevated walkway would serve as an accessible route to the proposed (ten) townhomes and would be separated from the townhomes with a three-foot-high transparent fence and four-foot wide outdoor creek-facing patios. At three locations, the walkway connects to the Creekside Trail via stairs and, at each end, via universally-accessible ramps. A 17-foot-wide central public stair area with informal seating is also proposed. (Pages 7, 8, 9 and 10);
 - (4) John Muir Parkway Plaza: An approximately 6,500-square-foot publicly accessible plaza wraps the corner of the building towards the creek. The plaza would include a variety of seating, including for café patrons. The plaza would connect to the Creekside Trail via two staircases: a 20-foot-wide staircase near John Muir Parkway, and a 10-foot-wide staircase closer to the proposed townhomes (Page 9).
 - (5) Other amenities include: bicycle racks at John Muir Parkway, Bayfront Boulevard, and along the Creekside Trail; two trash receptacles; lighting; and interpretive signage at the Creekside Trail highlighting the recent restoration project at Refugio Creek.

2. **Proposed Public Views.** The project does not propose dedicated public view corridors through the project site from the nearest public thoroughfare to Refugio Creek, which is part of the Commission's Bay jurisdiction. The proposed elevated walkway and other shared public spaces use low walls, fences, and railings, and landscaping to maintain views of the Creek and the Bay (Pages 12 and 13).
3. **Commission Policies and Guidelines.** The *San Francisco Bay Plan* (Bay Plan) **Public Access** policies state that maximum feasible public access to and along the waterfront should "be provided in and through every new development in the Bay or on the shoreline." The policies also state, in part, that "whenever public access to the Bay is provided as a condition of development, on fill or in the shoreline, the access should be permanently guaranteed." The Bay Plan requires that public access improvements "should be designed to encourage diverse Bay-related activities and movement to and along the shoreline, should permit barrier free access to persons with disabilities to the maximum feasible extent, should include an ongoing maintenance program, and should be identified with appropriate signs."

Additionally, public access should be conveniently located near parking and public transit, and provide diverse and interesting experiences so as to encourage users to remain in the designated access areas. Furthermore, the policies state, in part, that "the *Public Access Design Guidelines* should be used as a guide to ... designing public access consistent with the proposed project," and "[t]he Design Review Board should advise the commission regarding the adequacy of the public access proposed."

The Bay Plan **Appearance, Design and Scenic Views** policies state, in part, that "all bayfront development should be designed to enhance the pleasure of the user or viewer of the Bay" and that "maximum efforts should be made to provide, enhance, or preserve views of the Bay and shoreline, especially from public areas" These policies also state, in part, that "[s]horeline developments should be built in clusters, leaving open area around them to permit more frequent views of the Bay. Developments along the shores of tributary waterways should be Bay-related and should be designed to preserve and enhance views along the waterway, so as to provide maximum visual contact with the Bay."

The ***Public Access Design Guidelines*** state that public access should *feel public*, be designed so that the user is not intimidated nor is the user's appreciation diminished by large nearby building masses, structures, or incompatible uses, and that there should be visual cues that public access is available for the public's use by using site furnishings, such as benches, trash containers, lighting and signage.

The *Public Access Design Guidelines* further state that public access areas should be *usable*, and be designed for a wide range of users, should maximize user comfort by designing for weather and day and night use, should be safe and secure, and that each site's historical, cultural and natural attributes. Projects should *enhance visual access to the Bay and shoreline*, by locating buildings, structures, and landscaping of new shoreline projects such that they enhance and dramatize views of the Bay and shoreline from public thoroughfares, and should be organized in a way as to allow Bay views and access between buildings.

Additionally, the *Public Access Design Guidelines* state that projects along the shoreline should maintain and enhance the *visual quality* of the Bay and shoreline, by providing visual interest and architectural variety in massing and height, using building footprints to create a diversity of public spaces along the Bay, articulating shoreline building facades with human-scale elements, and using forms, materials, colors and textures that are compatible with the Bay. Projects should also provide *connections to and continuity* along the shoreline, by providing connections perpendicular to the shoreline at regular intervals (city block length or less) to maximize the opportunities for accessing and viewing the Bay.

4. Sea Level Rise and Flooding

- a. **Existing and Future Conditions.** The project applicant provided a hydraulic analysis prepared by the City of Hercules for Refugio Creek, as part BCDC Permit No. M2012.024.00. However, this analysis uses outdated data. Since the analysis was published, the Federal Emergency Management Agency has updated its base flood elevation (BFE). The latest map for Refugio Creek, which went into effect on March 21, 2017, determined the BFE at 16 feet NAVD88. When taking into account sea level rise (SLR) estimates of 16-inches by mid-century, and 55-inches by end of century, BFE is estimated at 17.3 feet NAVD88 by mid-century, and 20.6 feet NAVD88 by end of century (Pages 10 and 11).

The proposed project site, including buildings, elevated trail, and pocket parks are located at an elevation of approximately 19 feet NAVD88. Although the buildings and proposed public access would remain above the mid-century estimates, the area would flood under approximately 1.5 feet of water, using the end of century estimates. Additionally, the average elevation of the Creekside Trail is approximately 14.3 feet NAVD88, and thus not resilient to mid-century inundation. At present, the project applicants have not provided details on adaptation approaches for the project site for end of century, including the Creekside Trail. Additionally, the applicant disagrees with staff's assessment regarding flooding conditions at the site, and will provide an alternative analysis in the future.

- b. **Commission Policies.** The Bay Plan's **Climate Change** policies state that "when planning shoreline areas or designing larger shoreline projects, a risk assessment should be prepared by a qualified engineer and should be based on the estimated 100-year flood elevation that takes into account the best estimates of future sea level rise and current flood protection and planned flood protection that will be funded and constructed when needed to provide protection for the proposed project or shoreline area. A range of sea level rise projections for mid-century and end of century based on the best scientific data available should be used in the risk assessment. Inundation maps used for the risk assessment should be prepared under the direction of a qualified engineer. The risk assessment should identify all types of potential flooding, degrees of uncertainty, consequences of defense failure, and risks to existing habitat from proposed flood protection devices."

Furthermore, the policies state, in part, that “[t]o protect public safety...within areas that a risk assessment determines are vulnerable to future shoreline flooding that threatens public safety, all projects...should be designed to be resilient to a mid-century sea level rise projection. If it is likely the project will remain in place longer than mid-century, an adaptive management plan should be developed to address the long-term impacts that will arise based on a risk assessment using the best available science-based projection for sea level rise at the end of the century.”

The Bay Plan’s **Public Access** policies state that “public access should be sited, designed and maintained to avoid significant adverse impacts from sea level rise and shoreline flooding,” and that “[a]ny public access provided as a condition of development should either be required to remain viable in the event of future sea level rise or flooding, or equivalent access consistent with the project should be provided nearby.”

Design Review Board Issues. In consideration of the relevant Commission issues, policies, and guidelines, the Board’s advice and recommendations are sought on the following issues related to the proposed project’s public access:

1. **Would the proposed mixed-use project provide adequate, usable, and attractive public space for the public’s use and enjoyment of the creekside (shoreline)?**
 - a. Is the proposed public access area (totaling 12,465 square feet (0.27-acres)) and range of amenities (e.g., seating, open space, views, etc.) adequate in light of the total project’s size, massing, and capacity?
 - b. Would the five-foot-wide elevated walkway located adjacent to the ten townhomes, provide useable access that feels open for public use? Are additional design elements needed to enhance the public feel of this area?
 - c. As proposed, would the John Muir Plaza appear open for public use considering the shared commercial use of the area? If not, how should the design be modified?
 - d. Would the proposed set of public amenities, e.g., seat walls, stair seating, interpretive panels, lighting, etc., provide diverse and interesting experiences for the public?
 - e. Does the project provide sufficient amenities, or should it include additional amenities, such as public parking and/or signage?
2. **Would the proposed project provide adequate and appropriate physical and visual connections to and along the shoreline for the public?**
 - a. Adjacent to the existing public trail at Refugio Creek, at the site “trailheads” at the northwestern and southeastern boundaries (the corners), and along the elevated pathway adjacent to proposed townhomes, does the project provide maximum physical access in terms of walkway widths and related design elements?
 - b. Does the project design—particularly from the public thoroughfares of Bayfront Boulevard and John Muir Parkway—ensure the public’s ability to view Refugio Creek? Are there recommendations for enhancing these public views, including adjustment to the proposed physical connections?

3. **Would the proposed shoreline public pathway and other public features be viable in the event of future sea level rise or flooding?**
 - a. Are the proposed public access areas sufficiently designed to withstand flooding, and/or adaptable to future sea level rise?
 - b. The proposed public access is designed to work with and compliment the existing Creekside Trail, which will likely flood in with rising sea levels. Should this project consider raising the elevation of the existing Trail to make it resilient/adaptable to future sea level rise?